

**Remarks/Arguments:**

Claims 1, 3, 6-8, 10, 14-16, 18-21 and 24-26 are pending and stand rejected.

By this Amendment, claims 1, 10, 14-16, 18, and 24-26 are amended and claim 12 is canceled without prejudice.

No new matter is presented by the claim amendments. Support for the claim amendments can be found throughout the original specification and, for example, in the original specification at paragraphs [0037] - [0038].

The Examiner is thanked for his efforts regarding the Examiner Interview conducted on April 22, 2008 in which claims 1, 10, and 18 were discussed.

**Rejection of Claims 1, 3-8, 10, 12-16, 18-21 and 24-26 under 35 U.S.C. §103(a)**

In the Office Action, at page 3, claims 1, 3-8, 10, 12-16, 18-21 and 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shinsky et al. (U.S. Patent No. 6,285,398, hereafter referred to as Shinsky) in view of Miller et al. (U.S. Patent Publication No. 2005/0185055, hereafter referred to as Miller) in further view of Norita (U.S. Patent No. 6,285,398). It is noted for the Examiner that claim 13 was canceled in the previous Amendment filed December 13, 2007 and is not addressed herein.

Reconsideration is respectfully requested.

**Claim 1**

Claims 1 is directed to a method of adjusting image-capturing parameters of an image-capturing device, and recites:

capturing, by the image-capturing device, raw image data of a single image of a captured scene of interest ...

processing, by an external computer, the raw image data of the single captured image using a first setting of a selected image-capturing parameter for display as a first image;

processing, by the external computer, the raw image data of the single captured image using a second setting of the selected image-capturing parameter for display as a second image ...

the selected image-capturing parameter is a control parameter for setting an exposure period or an aperture of the image-capturing device.

The Examiner's attention is drawn to paragraph [0037] of the original specification which explains the difference between processing image-capturing parameters and non-processing

image-capturing parameters, such as exposure period and aperture used with a single captured image.

### **Shinsky Reference**

Shinsky discloses that the graphical user interface allows the user to view the current video images sent from the camera 100. While viewing these video images, the user can also provide control inputs to adjust the contrast, brightness and view of the picture. The viewer can also activate an auto-white balancing feature through the graphical user interface by selecting a white or colorless area of the picture. The user selects the white area by placing the cursor over the area and selecting the area using the cursor control device. Once the area is selected, the contrasting colors within the entire image are adjusted in comparison to and based upon the selected white area in order to optimize the picture from the current environment. (See Shinsky at column 9, lines 43-56.) That is, Shinsky at most teaches the control of settings for contrast, brightness and white balance. These settings are all processing parameters to process the digital image data after an image is taken and, in particular, are not image-capturing parameter such as exposure period and aperture which are control settings used to capture the original image. That is, Shinsky is silent regarding the recitation in claim 1 that the "selected image-capturing parameter is a control parameter for setting an exposure period or an aperture of the image-capturing device." It is noted that the Examiner appears to acknowledge such a difference by corresponding the image-capturing parameter recited in claim 1 with contrast, brightness, hue and gain in the Office Action at pages 3.

### **Miller Reference**

Miller discloses that a CPU 50 disposed on the display monitor 52 to display a group of images. For example, the various images 222A - 222E may have a range of contrast, with the first image 222A having much lower than normal contrast, the second image 222B having slightly lower than normal contrast, the third image (middle) 222C having normal contrast, the fourth image 222D having slightly higher than normal contrast, and the fifth image 222E having much higher than normal contrast. (See Miller at paragraph [0035]). After the user selects the "done" icon 226, the CPU 50 stores a value indicating the preferred contrast setting for this particular user, and updates the displayed image on display monitor 52. After several scenes have been evaluated for contrast, the contrast setting value most often selected by the user is chosen as the preferred contrast setting for the user. Another set of images is then displayed, having a different type of appearance modification. Instead of the contrast, the variation may be a difference in color saturation, ranging between low, normal, and high color saturation, or a variation in sharpness ranging between low to normal to high sharpness. The user is again

instructed to select the preferred image. (See Miller at paragraph [0037].) That is, like Shinsky, Miller teaches the setting of processing parameters (i.e., contrast, color saturation and sharpness). Miller, however, is silent regarding exposure period and aperture. This is because, exposure period and aperture, which are settings for capturing an image prior to processing, are not contemplated by Miller.

#### **Norita Reference**

The addition of Norita does not overcome the deficiencies of Shinsky and Miller. This is because, Norita does not disclose or suggest:

processing ... the raw image data of the single captured image using a first setting of the selected image-capturing parameter for display as a first image;

processing ... the raw image data of the single captured image using a second setting of the selected image-capture parameter for display as a second image ...

the selected image-capturing parameter is a control parameter for setting a exposure period or an aperture of the image-capturing device.

That is, Norita is silent regarding the use of a single captured image to display first and second images having different settings of either exposure period or aperture. In the Office Action, at page 5, the Examiner acknowledges that Norita discloses "a manual exposure photography setting of the camera wherein a **plurality of images captured at different exposure times** may be displayed (figure 19) and a user may select an image with desired exposure in order to adopt the exposure setting of that image (col. 13, line 63-col. 14, line 17)," (emphasis added).

Applicant agrees with the Examiner's acknowledgement. That is, Norita discloses the use of a plurality of images to set different exposure time, and in particular, teaches away from a single captured image for setting such control parameters.

Accordingly, it is submitted that claim 1 patentably distinguishes over Shinsky and Miller in further view of Norita for at least the above-mentioned reasons.

#### **Claims 10 and 18**

Claims 10 and 18, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Shinsky and Miller in further view of Norita for at least similar reasons to those of claim 1.

**Claims 3, 6-8, 14-16, 19-21 and 24-26**

Claims 3, 6-8, 4-16, 19-21 and 24-26, which include all of the limitations of claim 1, 10 or 18, are submitted to patentably distinguish over Shinsky and Miller in further view of Norita for at least the same reasons as their respective independent claim.

**Claim 12**

Claim 12 has been canceled without prejudice. Accordingly, the rejection of claim 12 is now moot.

Claim 24 includes patentable distinctions beyond those of claim 1, namely "generating a simulated image that represents an image captured from the first or second setting of the selected image-capturing parameter to produce said second image," (emphasis added). That is, the selected image-capturing parameter (i.e., either exposure period or aperture) is simulated by generating a simulated image that represents the single captured image using the first or second setting of the selected image-capturing parameter.

Because Shinsky, Miller and/or Norita do not contemplate the use of non-processing parameters (exposure period or aperture) as selected image-capturing parameters for use with a single captured image, these references do not disclose or suggest the generation of a simulated image from settings of such image-capturing parameters.

Claim 25 also includes patentable distinctions beyond those of claim 10, namely that "the parameter adjuster is configured to generate a simulated image that represents the single image captured using the second setting of the selected image-capture parameter to produce said second image," (emphasis added).

Moreover, claim 26 includes patentable distinctions beyond those of claim 18, namely "the processing of the raw image data using the second setting of the image capturing parameters includes generating a simulated image that represents the single captured image using the second setting of the image capturing parameters to produce said second image," (emphasis added).

Appln. No.: 09/970,611  
Amendment Dated May 19, 2008  
Reply to Office Action of April 3, 2008

MICR-112US

**Conclusion**

In view of the claim amendments and remarks, Applicant submits the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
\_\_\_\_\_  
Jack J. Jankovitz, Reg. No. 42,690  
Eric Berkowitz, Reg. No. 44,030  
Attorneys for Applicant

JJJ/EB/ams

Dated: May 19, 2008

AS\_H:\NRPORTBL\RP\ASMITH\280761\_1.DOC